

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

IN RE:	*	CHAPTER 7
	*	
LARRY C. SIMPKINS and	*	CASE NO. 10-10295-WHD
MARY D. SIMPKINS,	*	
Debtors.	*	JUDGE W.H.DRAKE, JR.

MOTION TO SELL PROPERTY OF THE ESTATE KNOWN AS
2604 MANDEVILLE ROAD, BREMEN, CARROLL COUNTY, GEORGIA
FREE AND CLEAR OF LIENS, CLAIMS, AND ENCUMBRANCES

COMES NOW, James G. Baker, Chapter 7 Trustee of the above referenced Debtors' bankruptcy estate ("Trustee") pursuant to Sections 105 and 363 of the United States Bankruptcy Code and Rule 6004 of the Federal Rules of Bankruptcy Procedure and files this "Motion to Sell Property of the Estate Free and Clear of Liens, Claims and Encumbrances", in support thereof shows the Court as follows:

1.

This court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding pursuant to 28 U.S.C. §§ 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicates for the relief sought herein are 11 U.S.C. §§ 105 and 363 and Rule 6004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

2.

On January 28, 2010 (the "Petition Date"), Larry C. Simpkins and Mary D. Simpkins ("Debtors") filed a voluntary petition for relief under Chapter 7 of title 11 of the United States Code, U.S.C. §§ 101 *et seq.*, as amended (Bankruptcy Code").

3.

James G. Baker was appointed as interim Chapter 7 trustee in Debtor's case and became Debtor's permanent Trustee at the meeting of creditors conducted on March 12, 2010, pursuant 11 U.S.C. § 341.

4.

In accordance with 11 U.S.C. §541(a), the Debtors' bankruptcy estate includes all of the Debtors' legal and equitable interest in that certain limited liability company known as Old Block Properties, LLC which is the titled owner of that certain property known as 2604 Mandeville Road, Bremen, Carroll County, Georgia.

5.

The owners of Old Block Properties, LLC have agreed to deed to the bankruptcy estate all interest in that certain tract of real property known as 2604 Mandeville Road, Bremen, Carroll County, Georgia, in exchange for abandonment of all other real property owned by Old Block Properties, LLC.

6.

The Trustee has obtained an offer for the sale of the property known as 2604 Mandeville Road, Bremen, Carroll County, Georgia for the sum of Nineteen Thousand and no/100 (\$19,000.00) Dollars from Keith Harper, or his assigns. A copy of said contract is attached hereto as Exhibit "A".

7.

The following creditors hold a lien on the real property of the estate:

- (a) First Georgia Banking Company; (WHICH HAS AGREED TO RELEASE ITS LIEN)
- (b) Any prior year's ad valorem taxes including penalty and interest which may have accrued; and
- (c) Pro-rata ad valorem taxes for 2011 for State, County, and City property taxes.

8.

From the proceeds of the sale, the Trustee should be authorized to pay the normal closing costs ordinarily paid for by Sellers of real property, including *pro rata* State, County, and City property taxes, together with any other past due taxes or assessments regarding this property and a real estate commission of 6% of the gross sales price of price of \$19,000.00, an amount equal to \$1,140.00. Trustee shall also be authorized to pay transfer tax.

9.

The real property shall be sold free and clear of any interest or liens of the above named creditors or any interest, claim, lien or encumbrance of any other creditor of the Debtors.

10.

The Purchaser herein is a disinterested party.

11.

The sale described herein is in the best interest of the estate and creditors. Accordingly, Trustee requests that the Court approve the sale.

12.

Trustee requests permission to execute all documents necessary to effectuate this transaction.

13.

Trustee requests that the stay of Rule 6004(g) be waived, and the Trustee be allowed to immediately proceed with the sale upon entry of this Order.

WHEREFORE, Trustee prays that he be authorized to:

1. Sell property of the estate known as 2604 Mandeville Road, Bremen, Carroll County, Georgia, for the sum of \$19,000.00 to Keith Harper, or his assigns;
2. to a real estate commission of 6% of the gross sales price equal to \$1,140.00;
3. for permission to pay the normal closing costs ordinarily paid for by Sellers of real property, including pro rata State, County and City property taxes, together with any other past due taxes or assessments regarding this property;
4. to pay transfer tax;
5. to execute all documents necessary to effectuate this transaction;
6. for waiver of Rule 6004(g) to allow the Trustee to immediately proceed with the sale upon entry of the Order; and
7. for such other and further relief as is just and proper.

Respectfully submitted,

/s/ James G. Baker

James G. Baker
Attorney for Trustee
GA Bar No. 033717
JAMES G. BAKER, P.C.
305 North Greenwood Street
LaGrange, GA 30240
(706) 884-3059

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

IN RE:	*	CHAPTER 7
	*	
LARRY C. SIMPKINS and	*	CASE NO. 10-10295-WHD
MARY D. SIMPKINS,	*	
Debtors.	*	JUDGE W.H.DRAKE, JR.

**NOTICE REGARDING SALE OF REAL PROPERTY
FREE AND CLEAR OF LIENS, CLAIMS, AND ENCUMBRANCES**

James G. Baker, is the Chapter 7 Trustee for the above-styled Debtors' bankruptcy estate. Included in the property of Debtors' bankruptcy estate is property known as 2604 Mandeville Road, Bremen, Carroll County, Georgia Trustee proposes to sell the entire property for a sales price of no less than \$19,000.00. The bankruptcy estate is to receive 100% of the net proceeds from the sale. The sale shall be free and clear of all liens, claims and encumbrances.

The following creditors hold a lien on the real property of the estate:

- (a) First Georgia Banking Company;
- (b) Any prior year's ad valorem taxes including penalty and interest which may have accrued;
- (c) Pro-rata ad valorem taxes for 2011 for State, County, and City property taxes

The sale contemplated herein shall be free and clear of any interest or lien of the above-named creditor or any interest, claim, lien or encumbrances of any other creditor of the Debtor. The liens shall attach to the proceeds of the sale until such time as the validity of the liens are determined by this Court.

From the proceeds of sale, the Trustee shall be authorized to pay normal closing costs ordinarily paid for by Sellers of real property, including *pro-rata* State, County and City taxes, together with any other past due taxes or assessments regarding this property, transfer tax, and to pay a real estate commission of 6% of the gross sales price equal to \$1,140.00.

NOTICE IS HEREBY GIVEN that parties desiring to object to the proposed sale of the real property free and clear of liens, claims, and encumbrances shall file such objections with the Clerk of the Bankruptcy Court, 18 Greenville Street, P. O. Box 2328, Newnan, Georgia, 30264, within twenty (20) days of the date of mailing shown below, and shall serve a copy of such objection on the Chapter 7 Trustee, James G. Baker, 305 North Greenwood Street, LaGrange, GA 30240.

IT IS FURTHER ORDERED AND NOTICE IS FURTHER GIVEN that any creditor or party in interest asserting a lien on the real property or on the proceeds of the sale must timely file an objection as set forth above. Failure to timely file an objection shall constitute a waiver of such objections, and in such event Trustee shall be authorized to sell the real property without further notice or a hearing.

In the event an objection is timely filed, a hearing thereon will be held in the Second Floor Courtroom, United States Courthouse, 18 Greenville Street, Newnan, Georgia, at 10:10 o'clock a.m., on the 26th day of August, 2011.

Trustee shall serve a copy of this Order and Notice on all creditors and parties in interest and shall certify such service to the Court within three (3) days thereafter.

Respectfully submitted,

/s/ James G. Baker

James G. Baker
Attorney for Trustee
GA Bar No. 033717
JAMES G. BAKER, P.C.
305 North Greenwood Street
LaGrange, GA 30240
(706) 884-3059

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

IN RE:	*	CHAPTER 7
	*	
LARRY C. SIMPKINS and	*	CASE NO. 10-10295-WHD
MARY D. SIMPKINS,	*	
Debtors.	*	JUDGE W.H.DRAKE, JR.

CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the within and foregoing **Motion to Sell Property of the Estate Known as 320 Quarters Road, Fayetteville, Fayette County, Georgia, Free and Clear of Liens, Claims and Encumbrances and Notice Regarding Sale of Real Property Free and Clear of Liens, Claims and Encumbrances** upon the following:

Larry C. Simpkins
Mary D. Simpkins
2030 Oak Grove Road
Carrollton, GA 30117

United States Trustee
362 Richard Russell Building
75 Spring Street, S.W.
Atlanta, GA 30303

J. Nevin Smith
Smith Conerly, LLP
402 Newnan Street
Carrollton, GA 30117

ALL CREDITORS AND PARTIES OF
INTEREST ON ATTACHED MATRIX

by placing a copy of same in the United States mail in properly addressed envelopes with adequate postage thereon to ensure delivery.

Dated: August 3, 2011

/s/ James G. Baker
James G. Baker
Attorney for Trustee
GA Bar No. 033717
JAMES G. BAKER, P.C.
305 North Greenwood Street
LaGrange, GA 30240
(706) 884-3059

Label Matrix for local noticing
113E-3
Case 10-10295-whd
Northern District of Georgia
Newnan
Wed Aug 3 16:01:04 EDT 2011

America's Servicing Company
c/o McCalla Raymer, LLC
Bankruptcy Department
1544 Old Alabama Road
Roswell, GA 30076-2102

First Georgia Banking Co.
c/o Mann & Wooldridge
P O Box 310
Newnan, GA 30264-0310

First National Insurance Company of America
c/o Mills Paskert Divers
1355 Peachtree Street, NE
Suite 1550
Atlanta, GA 30309-3275

Office of the United States Trustee
Room 362
75 Spring Street, SW
Atlanta, GA 30303-3330

AICCO, Inc.
1001 Winstead Drive
Suite 500
Cary, NC 27513-2133

AT&T
P.O. Box 105262
Atlanta, GA 30348-5262

Alabama Power
Corporate Office
600 18th Street North
Birmingham, AL 35203-2206

America's Servicing Company
P.O. Box 10388
Des Moines, IA 50306-0388

Aramark Uniform Services, Inc.
P.O. Box 54343
Atlanta, GA 30308-0343

Bankcard Center
P.O. Box 569200
Dallas, TX 75356-9200

Blossman Propane Gas
1662 Old Highway 431
Wedowee, AL 36278-4614

Buffalo Holdings, LLC
106 Wedgewood Drive
Carrollton, GA 30117-4336

Bug House Pest Control
1210 Commerce Drive
Suite 101
Greensboro, GA 30642-7447

Butts County
625 W. 3rd Street
Suite 4
Jackson, GA 30233-1881

Canon Financial Services, Inc.
14904 Collections Center Drive
Chicago, IL 60693-0149

Carquest of Carrollton
904 Maple Street
Carrollton, GA 30117-3698

Carter & Sloope
6310 Peake Road
Macon, GA 31210-3960

Caterpillar Financial Services Corp
2120 West End Avenue
Nashville, TN 37203-5341

Caterpillar, Inc.
100 NE Adams Street
Peoria, IL 61629-0002

Chimney Cove Holdings, LLC
106 Wedgewood Drive
Carrollton, GA 30117-4336

Chimney Cove Master Assoc., Inc.
P.O. Box 830
Carrollton, GA 30112-0016

Chimney Cove, LLC
106 Wedgewood Drive
Carrollton, GA 30117-4336

City of Thomson
P.O. Box 1017
309 Main Street
Thomson, GA 30824-2612

Community and Southern Bank, as successor in
219 Perimeter Center Parkway, Suite 500
Atlanta, Georgia 30346-1303

Consolidated Pipe & Supply Co., Inc
1205 Hilltop Parkway
Birmingham, AL 35204-5002

Dish Network
P.O. Box 105169
Atlanta, GA 30348-5169

Eby Brown Co., L.L.C.
P.O. Box 549
Rockmart, GA 30153-0549

First Commercial Bank
P.O. Box 11746
Birmingham, AL 35202-1746

First Georgia Banking Co.
P.O. Box 674824
Marietta, GA 30006-0005

First Georgia Banking Company
100 Tom Reeve Drive
Carrollton, GA 30117-4271

First National Bank of Georgia
201 Maple Street
Carrollton, GA 30117-3232

First National Ins Co. of America
c/o P. Keith Lichtman and Richard J. Sto
1355 Peachtree St. Suite 1550
Atlanta, GA 30309-3275

First National Ins. Co. of America
P O Box 34526
Seattle, WA 98124-1526

Gerald Glen Dukes, Jr.
2865 Barrett Court
Powder Springs, GA 30127-1603

Gerald L. Blanchard, Esq.
Bryan Cave Powell Goldstein
One Atlantic Center, 14th Floor
1201 W. Peachtree St., NW
Atlanta, GA 30309-3449

Graham-Naylor Agency, Inc.
Attention: John Earl
1355 Terrell Mill Road
Building 1464
Marietta, GA 30067-5462

Harleysville Insurance
355 Maple Avenue
Harleysville, PA 19438-2297

Harrington Health
75 Remittance Drive
Suite 1854
Chicago, IL 60675-1854

IPFS Corporation
dba Imperial Credit Corporation
101 Hudson Street, 34th Fl,
Jersey City, NJ 07302-3905

Improvement Dist of Town of
Wedowee Chimney Cove
11 Main Street South
Wedowee, AL 36278-5166

James M. Anderson, III, P.C.
Suite 130
5855 Sandy Springs Circle
Sandy Springs, GA 30328-6275

Kenneth Rockenbach, Esq.
Liberty Mutual Surety
1600 N. Collins Blvd.
Suite 3000
Richardson, TX 75080-3580

Komatsu Financial
P.O. Box 99303
Chicago, IL 60693-9303

LCRC Investments, LLC
2030 Oak Grove Road
Carrollton, GA 30117-7746

Liberty Mutual Surety
1600 N. Collins Blvd.
Suite 3000
Richardson, TX 75080-3580

Low Post Enterprises, Inc.
1184 Farmer's High Rd.
Carrollton, GA 30117-6594

MCG Properties, LLC
2030 Oak Grove Road
Carrollton, GA 30117-7746

MWC Construction Company, LLC
530 Newman Street
Carrollton, GA 30117-3344

McDuffie County
337 Main Street
Thomson, GA 30824-2612

McDuffie County Water Improvements
c/o Fowler & Wills, L.L.C.
318 Jackson street
P.O. Box 1620
Thomson, GA 30824-5620

McIntosh Commercial Bank
820 Dixie Street
Carrollton, GA 30117-4416

McIntosh Commercial Bank
P.O. Box 674824
Marietta, GA 30006-0005

Merchant Capital, L.L.C.
P.O. Box 241848
Montgomery, AL 36124

Neff Rental, Inc.
P.O. Box 405138
Atlanta, GA 30384-5138

P. Keith Lichtman, Esq.
Mills Paskert Divers
1355 Peachtree Street
Suite 1550
Atlanta, GA 30309-3275

Precision Planning, Inc.
400 Pike Blvd.
Lawrenceville, GA 30046-4578

RMS Collections
1000 Circle 75 Parkway
Suite 400
Atlanta, GA 30339-6051

Radiology Atlanta Group, PC
P.O. Box 465117
Lawrenceville, GA 30042-5117

Randy & Christal Simpkins
150 Gold Dust Trail
Carrollton, GA 30117-7726

Ranolph County Revenue Commissioner
P.O. Box 310
Wedowee, AL 36278-0310

Re-Max United
604 Alabama Avenue
Bremen, GA 30110-2302

Real Estate West, Inc.
850 Cedar Street
Carrollton, GA 30117-2522

Richard A. McCall, Esq.
Hartley, Rowe & Fowler, PC
P.O. Box 489
Douglasville, GA 30133-0489

S&ME, Inc.
3380 Town Point Dr.
Suite 140
Kennesaw, GA 30144-7090

S. Gregory Joy, Esq.
Smith, Currie & Hancock, LLP
2700 Marquis One Tower
245 Peachtree Ctr. Ave., NE
Atlanta, GA 30303-1222

Safeco Insurance Companies
P.O. Box 34526
Seattle, WA 98124-1526

Scott H. Marcus & Associates
121 Johnson Road
Turnersville, NJ 08012-1758

Silverton Bridge Bank, N.A.
Attention: Frank McGonagle, VP
3284 Northside Parkway, NW
Atlanta, GA 30327-2280

Sports Turf Company, Inc.
1487 Blackdirt Road
Whitesburg, GA 30185-2723

Stoneco Development, LLC
106 Wedgewood Drive
Carrollton, GA 30117-4336

Sweetgrass, Inc.
2030 Oak Grove Road
Carrollton, GA 30117-7746

The Water Sewer and Gas Board
of the Town of Wedowee
P.O. Box 935
Wedowee, AL 36278-0935

Tisinger Vance PC
Attention: Avery S. Jackson
100 Wagon Yard Plaza
Carrollton, GA 30117-3490

Tonnie Allen
c/o Litigation Mediation Group
2290 10th Avenue North
Suite 306
Lake Worth, FL 33461-6609

Travelers Commercial Insurance
135 N. Furnace Street
Birdsboro, PA 19508-2063

Underground Stg Tank Mgmt Program
4244 International Pkwy
Suite 104
Atlanta, GA 30354-3906

Verizon Wireless - Serg.
P.O. Box 105378
Atlanta, GA 30348-5378

Yancey Brothers
Drawer CS 198757
Atlanta, GA 30384-8757

ZTJ Home Builder, LLC
622 Fertilla Street
Suite B
Carrollton, GA 30117-3928

J. Nevin Smith
Smith Conerly LLP
402 Newman Street
Carrollton, GA 30117-3111

James G. Baker
305 North Greenwood Street
LaGrange, GA 30240-2605

Jason S. Stewart
Mack Reynolds Reality, LLC
c/o James G. Baker
108 Greenville Street
LaGrange, GA 30240-2716

Larry C. Simpkins
2030 Oak Grove Road
Carrollton, GA 30117-7746

Mary D. Simpkins
2030 Oak Grove Road
Carrollton, GA 30117-7746

End of Label Matrix	
Mailable recipients	84
Bypassed recipients	1
Total	85